



# Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

## PLANNING BOARD MINUTES

Middleton Old Town Hall  
200 Kings Highway  
Middleton, NH 03887

October 12, 2023

**Meeting called to Order by:** Janet Kalar at 6:31 PM

**Pledge to the Flag**

### Roll Call

Members present: Janet Kalar (Chair), John Mullen (Vice Chair), Christine Maynard (Alternate), Roxanne Tufts-Keegan (Selectboard Rep.), John Quinn (SLVD Rep.)

**Attachments:** NHMA Important Dates for Local Officials 2024 Traditional March Town Meeting Calendar, proposed revisions to Impact Fees and Aquifer Ordinances

**Opening Remarks:** John Mullen said there were a lot of documents to go over, but it should go quickly. If they don't get to everything, it will wait until the next meeting.

He went over important dates for the 2024 Traditional March Town Meeting Calendar.

November 13, 2023 is the first day to accept petitions to amend the Zoning Ordinances...

December 13, 2023 is the last day to accept petitions to amend the Zoning Ordinances...

January 11, 2024 is the last day to post and publish notice for first hearing on proposed adoption or amendments...

January 12, 2024 is the last day for voters to present application to select board to call special town meeting prior to the 2024 annual meeting...

February 5, 2024 is the last day for the planning board to hold final public hearing on adoption or amendment of zoning ordinance...

**J. Kalar** asked if there can be one public hearing instead of separate hearings for each proposed change.

**R. Tufts-Keegan** said and one public hearing is adequate.

**R. Tufts-Keegan** asked if the proposed Aquifer, Impact Fee and Solar Ordinances would be ready.

**J. Mullen** said yes.

**R. Tufts-Keegan** asked if there were any other ordinance updates they were trying to add this year.

It was agreed there wasn't enough time for the planning board to make more changes.

**J. Kalar** said the Zoning Board was supposed to come to them with suggested changes.

**J. Mullen** said they can look at them if there is time.

**Motion** to accept the Minutes of August 10, 2023 as transcribed.

**Motioned by:** J. Mullen

**Seconded by:** C. Maynard

**Discussion:**

**J. Kalar** said on page 2, under Solar Ordinances "Permits are not required for residential use." Should be added after "There was some discussion about the solar exemption that Middleton has and the need to have a permitting process for installation in the future."

**J. Kalar** said on page 3, "The 5-acre lot minimum cannot be enforced in a mobile home park" should be added after "**Kate Buzard** said the 5 acre lot minimum was put into effect because decisions made in the 1960's that allowed building on smaller lots adversely affected the lake."

**Motion** to accept the Minutes of August 10, 2023, as amended.

**Motioned by:** J. Mullen

**Seconded by:** C. Maynard

**Summarize:** Unanimous

**Motion Carried**

**Motion** to accept the Minutes of September 28, 2023, Planning Board Workshop

**Motioned by:** R. Tufts-Keegan

**Seconded by:** C. Maynard

**Summarize:** Unanimous

**Motion Carried**

## **New Business**

### **1) Code Enforcement**

**J. Kalar** noted the CEO was not present.

**R. Tufts-Keegan** said the BOS gets a monthly report from the CEO that summarizes the activity related to building permits and they will forward that to the planning board. If more detailed information is needed, they can request it. She suggested they start with that process and see how it goes.

**J. Kalar** said what she asked for was a list of six months of activity to use as a starting point.

**J. Mullen** said the BOS just gets a number, not a list of who they were and what they were.

**R. Tufts-Keegan** confirmed that was correct. She asked the Administrative Clerk if we could run a report of more detailed information for a specific time period. The Administrative Clerk said yes.

**J. Kalar** said her concern is what the permits are for and where they are located.

**R. Tufts-Keegan** asked the Administrative Clerk to run a report with the date, map and lot, type, and address.

**J. Mullen** said it will give the planning board a better view of what is going on in terms of ordinances.

**J. Kalar** said, for example, there is someone is trying to turn a garage into an apartment and there are different building codes for a house than for a garage.

**J. Mullen** said in that example, the resident should go to the CEO. If the code enforcement officer says he cannot do that, the resident needs to go to the NH Superior Court to appeal.

**J. Kalar** said that situation is what prompted her to ask for a report of building permits.

**C. Maynard** asked if someone does work and does not pull a permit, is there any liability on the town.

There was discussion about the process that should be followed. If someone doesn't pull a permit for a job where it is required, the onus is on the property owner.

## **New Business**

### **1) *Aquifer Ordinance***

**J. Mullen** went over the proposed ordinance and the changes he made based on Attorney Harinarayan (Huddy) Grandy's recommendations.

**J. Kalar** asked if they had a Conditional Use Permit form.

**J. Mullen** said no, and he will address this.

**Motion** to accept Article 7, The Aquifer Conservation Overlay Zoning District portion of the zoning ordinances as written (copy attached).

**Motioned by:** J. Mullen

**Seconded by:** C. Maynard

**Summarize:** Unanimous

**Motion Carried**

**J. Mullen** will revise the document to incorporate the edits discussed and present it to the residents at a public hearing. It can then be further revised based on comments at the public hearing.

**R. Tufts-Keegan** said once the public hearing is done, the board will approve the final version and that gets posted.

**C. Maynard** asked if it will go on the ballot.

**R. Tufts-Keegan** said yes. Once the warrant articles and everything is ready, including the budget, this document will be attached.

**J. Mullen** said at the hearing someone could mention something that we didn't think of and we can change it.

**R. Tufts-Keegan** said yes, that's the idea. We open the regular meeting, go to the public hearing, and get all the input. If there's something we need to tweak, we come out, we make the update and approve it.

**2) *Impact Fee Ordinance***

**J. Kalar** said this is ready to go as it is.

**Motion** to accept the impact Fee Ordinance with Revisions dated 6-19-2023 (copy attached).

**Motioned by:** J. Mullen

**Seconded by:** J. Quinn

**Summarize:** Unanimous

**Motion Carried**

**3) *Voluntary Merger Form***

**J. Mullen** presented and reviewed a new proposed form. He said it's longer than the current form. However, it incorporates all instructions as well as the law so that it will be easier for residents to understand and follow. It also incorporates language that says if there is a lien on the property, the lienholder must agree to the merger.

**J. Mullen** reviewed the proposed form with the board members. He will add text to the front page to indicate the fee is \$50.

**J. Kalar** said we should update them yearly.

**C. Maynard** asked if there is some place where all town forms are housed so that when forms are updated there is history of the changes and the most up to date version is identified and readily available.

**J. Mullen** says that is the responsibility of the Correspondence Management Committee.

There was some discussion about ideas on how to keep town forms up to date, how to identify various versions and who should be involved.

**J. Mullen** said that's part of a Standard Operation Procedure.

#### **4) Budget**

**J. Kalar** said all the planning board accounts are in line except for legal fees. They should put in somewhere between \$7,500 and \$10,000. She requested copies of invoices billed to the planning board from the town bookkeeper and noted the costs are increasing. They need to be sure money is budgeted for the review of any ordinances they update in the future.

**J. Quinn** said attorney fees are rising like everything else and maybe they should increase it to \$10,000.

**R. Tufts-Keegan** said the issue is there is a 2% tax cap. You could put money in at the cap and then any increase would have to be brought up at town meeting. You can override the tax cap at town meeting.

**J. Quinn** said he's not interested in overriding the tax cap. It's just that everything is going up, there's no sense in going down.

**J. Kalar** said it's not that the attorney prices are going up, it's that we are using them for things we've never used them for before. She is going to budget \$7,500.

#### **5) Septic Systems**

**R. Tufts-Keegan** read from Article 17 of the 2017 Zoning Ordinances which indicates holding tanks are not permitted for seasonal dwellings.

**R. Tufts-Keegan** said people who live here year-round need to have septic systems.

**J. Mullen** said that's for conversions. There are people who have holding tanks right now that are grandfathered in.

**R. Tufts-Keegan** said there is nothing about grandfathering in the ordinances. People who are living in a home that is their full-time year-round home need to have a septic system not a holding tank.

**C Maynard** asked what about people that were seasonal, but now they are here six to eight months of the year.

**R. Tufts-Keegan** said it depends where their residency is. What she is suggesting is that they start addressing the homes they know went from seasonal to year-round.

**C. Maynard** asked how you keep track of those. There are so many houses in her neighborhood that were seasonal and now people live there year-round.

**J. Mullen** said other towns have health ordinances that cover septic systems. He said the Emergency Management System is concerned with septic systems that are not working properly.

There was discussion about septic systems, state requirements, recordkeeping, and documentation. One reason ensuring systems are adequate is a concern for the town is because 98% of the dwellings on the lake were originally built as seasonal.

**R. Tufts-Keegan** read the definition of seasonal dwelling on page 98 of the 2017 Ordinances.

There was discussion about how to best address the situation.

**R. Tufts-Keegan** suggested they reach out to Strafford Regional Planning for assistance.

**J. Mullen** said the Sunrise Lake Watershed Management Committee has a draft for a sewer septic ordinance system based. Several other towns are developing programs. Strafford Regional Planning can help provide guidance.

**J. Quinn** said it's important to maintain the character of the community. We all want clean water and nice properties, but we don't want to be intrusive.

**C. Maynard** said it's a health issue.

**J. Quinn** said it is, but it's up to people to maintain their properties.

It was agreed it's important to get people to buy into doing their part to maintain their s to protect the lake and to prevent health issues. It was agreed it will take time and education is key.

It was agreed to work on the proposed revisions to the Solar Ordinance at the board's next workshop.

**Motion** to adjourn at 7:38 PM

**Motioned by:** J. Mullen

**Seconded by:** C. Maynard

**Summarize:** Unanimous

**Motion Carried**

Respectfully submitted by:

Robin Willis  
Administrative Clerk



**Important Dates for Local Officials**  
**2024 TRADITIONAL MARCH TOWN MEETING CALENDAR**

**NOVEMBER 2023**

Monday, November 13, 2023

First day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2024 town meeting. [RSA 675:4-120 days prior to town meeting]

**DECEMBER 2023**

Wednesday, December 13, 2023

Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2024 town meeting. [RSA 675:4- 90 days before town meeting]

**JANUARY 2024**

Thursday, January 11, 2024

Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated. [RSA 675:3; 675:7 – 10 clear days before January 22]

Friday, January 12, 2024

Last day for voters to present application to select board to call special town meeting prior to 2024 annual meeting. Number of petitioners required depends on size of town. [RSA 39:3 – 60 days before town meeting]

Friday, January 12, 2024

First day to hold public hearing on bond or note issue over \$100,000. Notice of time, place and subject of hearing must be published in a newspaper of general circulation in the municipality at least 7 days before hearing. [RSA 33:8-a, I – not more than 60 days before town meeting]

Friday, January 12, 2024

Last day for governing body to vote to extend polling hours at 3/12/24 elections. [RSA 659:4-a, IV- extension of polling hours may not go into effect sooner than 60 days after its adoption]

Tuesday, January 16, 2024

Last day to publish notice for January 23 session for checklist correction. [RSA 654:27; RSA 669:5 – notice posted in 2 appropriate places, one of which shall be the town's Internet website, if such exists, or shall be published in a newspaper of general circulation at least 7 days prior to the session]



## Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Monday, January 22, 2024

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 5]

Tuesday, January 23, 2024

Supervisors must hold session for correction of the checklist from 7pm to 7:30pm. Change in party registrations may be accepted. [RSA 669:5 – session for checklist correction must be held on the day immediately prior to the filing period for candidates on January 24]

Wednesday, January 24, 2024

First day for candidates in towns with non-partisan official ballot system to file declarations of candidacy with town clerk. [RSA 669:19; 652:20 – seventh Wednesday before town meeting]

Thursday, January 25, 2024

Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before February 5]

### **FEBRUARY 2024**

Friday, February 2, 2024

Last day for filing declarations of candidacy with town clerk in towns with non-partisan official ballot system. Town clerk's office must be open at least from 3 to 5 p.m. [RSA 669:19; 652:20 – the Friday next following the first day for candidates to file declarations of candidacy on January 24]

Friday, February 2, 2024

Last day for party caucus to nominate candidate for town office in towns using partisan system. [RSA 669:39- sixth Friday before town meeting]

Monday, February 5, 2024

Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form. [RSA 675:3 – one day before deadline for delivery of final zoning/building/historic ordinance ballot proposals to town clerk on February 6]





**Important Dates for Local Officials**  
**2024 TRADITIONAL MARCH TOWN MEETING CALENDAR**

Tuesday, February 6, 2024

Last day for official copy of final proposal to adopt or amend zoning ordinance, historic district ordinance or building code to be placed on file at the town clerk's office. [RSA 675:3, V-fifth Tuesday before town meeting]

Tuesday, February 6, 2024

Last day to finalize collective bargaining agreement "cost items" for submission to annual meeting. [RSA 273-A:1, IV; 32:5-a; 32:19-a – fifth Tuesday before town meeting]

Tuesday, February 6, 2024

Last day for 25 or more voters or 2% of the total, whichever is less, but in no case fewer than 10 voters, to petition select board to include an article in the warrant. [RSA 39:3 – fifth Tuesday before town meeting]

Friday, February 9, 2024

Last day for giving notice of February 16<sup>th</sup> public hearing on annual budget. [RSA 32:5, I – 7 days before budget hearing]

Friday, February 16, 2024

Last day to hold at least one public hearing on annual budget (can hold supplemental public hearings after 2/16 provided the first public hearing is on or before 2/16). [RSA 32:5, I & V – 25 days before town meeting]

Monday, February 19, 2024

Last day for select board to publish notice of time, place and subject of public hearing on bond/note issue over \$100,000. [RSA 33:8-a, I -7 days before February 26]

Monday, February 19, 2024

Last day to post and publish notice of hearing on question of establishing a special revenue fund. [RSA 31:95-d, I(b) – 7 days before February 26]

Wednesday, February 21, 2024

In budget committee towns, last day for budget committee to submit 2 copies of annual budget to select board for them to post with warrant. [RSA 32:16, IV- at least 20 days before the town meeting]

Saturday, February 24, 2024

Last day to post and publish notice of the day, hour and place of March 2 session to correct the checklist. Notice must be posted in 2 appropriate places, one of which shall be the town's Internet website, if such exists, or shall be published in a newspaper of general circulation at least 7 days prior to the session. [RSA 669:5; 654:27-:28]



## Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Monday, February 26, 2024

A public hearing must be held on the establishment of a special revenue fund at least 15 but not more than 30 days before the question is voted on. If the business session of the meeting is held on the same date as the official ballot voting day, March 12, then this is the last day for that hearing. If the governing body has chosen another day for the business session, this public hearing must be held at least 15 days before the date chosen for the business session. [RSA 31:95-d, I(b)]

Monday, February 26, 2024

Last day to hold public hearing on bond or note issue over \$100,000. Notice of time, place and subject of hearing must be published at least 7 days before hearing. [RSA 33:8-a, I – at least 15 days before town meeting]

Monday, February 26, 2024

A public hearing must be held by the local governing body on the adoption of SB2 at least 15 days, but not more than 30 days, before the question is to be voted on. Under RSA 40:14, III, the question on the adoption of SB2 must be voted on at the business session and cannot be placed on the official ballot. If the business session of the meeting is held on the same date as the official ballot voting day, March 12, then this is the last day for that hearing. If the governing body has chosen another day for the business session, this public hearing must be held at least 15 days before the date chosen for the business session.

Monday, February 26, 2024

Last day for select board to post warrant and budget at all polling places and at clerk's office or town hall. Warrant shall state place, day and hour of election, hours polls are open, and which items are to be voted on by ballot. [RSA 39:5; 31:95; 669:2 – 14 clear days before town meeting]

Tuesday, February 27, 2024

Last day to notify affected landowners if town meeting warrant contains an article to discontinue a highway. [RSA 231:43, II – 14 days prior to town meeting]

### **MARCH 2024**

Saturday, March 2, 2024

Last day for town clerk to accept voter registration applications for town meeting day (Voters may register on election day for all town elections). [RSA 654:8; RSA 654:27; 669:5, deadline for town clerk to accept voter registration is the same date as the date for the last checklist session correction - the Saturday no less than 6 and no more than 13 days before town meeting]



## Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Saturday, March 2, 2024

Supervisors to hold session for correction of checklist prior to annual meeting for no fewer than 30 minutes. No corrections or additions may be made after this session until election day, except as provided in RSA 659:12. [RSA 654:27; 654:28; 669:5]

Saturday, March 2, 2024

Reports of transfer, reports of death and removal of names are acted upon by supervisors of the checklist. [RSA 654:27; RSA 654:36-:37; RSA 654:44]

Tuesday, March 5, 2024

Annual town report with budget must be available by today. [RSA 31:95; 41:14 – at least 7 days before town meeting]

Tuesday, March 5, 2024

Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting. [RSA 675:5- at least 7 days before town meeting]

Friday, March 8, 2024

Last day for supervisors to post (by midnight) final corrected checklist. [RSA 654:28 - checklist to be posted on the Friday next following the checklist correction session on March 4]

Friday, March 8, 2024

Certification of checklist; 2 copies filed with town clerk. [RSA 654:28-:29]

Monday, March 11, 2024

The town clerk's office shall be open to receive applications for absentee ballots, to provide voters the opportunity to complete absentee ballots, and to receive returned ballots on the Monday immediately prior to an election at a minimum from 3:00 p.m. to 5:00 p.m. The clerk may designate a deputy clerk or assistant to provide this service, provided the individual has taken the oath of office and has been trained in the requirements for using an absentee ballot and the procedures for issuing and receiving absentee ballots. [RSA 657:1, II (c)]

Tuesday, March 12, 2024

Last day for town clerk to accept completed absentee ballots; clerk, or clerk's designee, must be available at least between 3 and 5 p.m. No absentee ballots may be accepted after 5 p.m. [RSA 669:29; 657:22; 652:20]

Tuesday, March 12, 2024

Town Meeting. Voters may register at the polls on election day. If new tax collector is elected or appointed, select board audits accounts and issues a new warrant. [RSA 39:1; 669:1; 654:7-a; 41:36]



## Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

Friday, March 15, 2024

Last day for any person for whom a vote was cast to apply to town clerk for a recount (to be conducted not earlier than 5 nor later than 10 days after receipt of the application). Town clerk must be available at least between 3 and 5 p.m. to receive application and must provide at least 3 days' notice of recount date to candidates for that office. [RSA 669:30-:31; 652:20 – Friday next following town meeting/election] Provided, however, if the total number of affidavit ballots submitted for that election would, if counted in favor of any candidates, alter the outcome of the election, the deadline for filing recount requests shall be extended until Tuesday, March 19, 2024 [RSA 660:17-a].

Sunday, March 17, 2024

Last day to publish notice of March 19 reconsideration of a March 12th vote on a bond or note issue over \$100,000 (statute requires notice at least 2 days before reconsideration). [RSA 33:8-a, IV]

Monday, March 18, 2024

Select board must appoint town treasurer by today if annual meeting fails either to elect one or to vote to authorize the appointment rather than the election of the treasurer. [RSA 41:27; 41:26-e – appointment must be made within 6 days from town meeting]

Tuesday, March 19, 2024

Last day for 10 voters of a town to petition clerk to recount ballots on any question printed on official ballot. [RSA 40:4-c – last day to seek recount is 7 days from date of town meeting]

Tuesday, March 19, 2024

Earliest day on which reconsideration of a March 12th vote on a bond or note issue over \$100,000 may take place (statute requires reconsideration at least 7 days after vote to reconsider). [RSA 33:8-a, IV]

Friday, March 22, 2024

Town clerk to forward to select board and treasurer certified copy of any vote to transfer surplus to capital reserve funds within 10 days of such vote. Surplus must be transferred by treasurer to trustees of trust funds immediately after receipt of order of select board. [RSA 35:11]

### **APRIL 2024**

Monday, April 1, 2024

Town clerk must report names and addresses of all town officers to commissioner of revenue administration after annual election. There is an ongoing duty to report changes as they occur.



## Important Dates for Local Officials 2024 TRADITIONAL MARCH TOWN MEETING CALENDAR

[RSA 41:19; NH Admin Code Rev 1707.13 – report to be made within 20 days of the town meeting]

Monday, April 1, 2024

Minutes of town meeting and various reports must be filed with the Department of Revenue Administration within 20 days after the close of town meeting. [RSA 21-J:34]

Thursday, April 4, 2024

Town clerk to send 2 copies of town report to State Library and 1 copy of town report to UNH Library. [RSA 41:22; RSA 201-A:18 – within 30 days of March 5, the date by which the town report must be made available to the voters]

Thursday, April 11, 2024

Within 30 days after town meeting, town clerk to report on town library to assistant state librarian. [RSA 41:20]

Thursday, April 11, 2024

Appointed municipal budget committee members must be named within 30 days of town meeting. [RSA 32:15, II]

### **MAY 2024**

Saturday, May 11, 2024

Ballots and absentee voting materials for election of town officers at town meeting may be destroyed by the town clerk. [657:16; 657:22; 659:100–:101; 669:25; 33-A:3-a, XXXVII— clerk shall retain until the contest is settled and all appeals have expired or at least 60 days after the election, whichever is longer].

